

TITLE 2: PUBLIC MORALS, SAFETY AND WELFARE

DIVISION 8: PROPERTY PROTECTION

Chapter 5: TRESPASS.

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28.051 Trespass by Refusal to Leave.

It is unlawful for any person to remain on any private property or business premises after being notified by the owner or lessee or other person in charge thereof to remove therefrom.

Adopted Ordinance 2076 (1976); Amended Ordinance 3096 (1987);

28.052 Trespass by Prohibited Entry.

It is unlawful for any person, without permission, express or implied, of the owner or lessee or other person in charge of private property or business premises, to enter upon such private property or business premises after having been notified by the owner or lessee or other person in charge thereof to keep off or keep away therefrom.

Adopted Ordinance 2076 (1976); Amended Ordinance 3096 (1987);

28.053 Form of Notification.

Within the meaning of Sections 28.051 and 28.052, notification by the owner or lessee or other person in charge of the property or premises may be satisfied by direct verbal communication by any such person or by his or her duly delegated agent, including a peace officer or private patrol officer, or by sign conspicuously posted on the property or premises giving notice of the prohibition of the particular form of trespass involved.

Adopted Ordinance 2076 (1976); Amended Ordinance 3096 (1987);

28.054 Exceptions.

This chapter shall not apply in any of the following instances:

(a) Where its application results in or is coupled with an act prohibited by the Unruh Civil Rights Act (which forbids a business establishment generally open to the public from unreasonably and arbitrarily excluding any prospective customer, and from practicing any racial or other prohibited discrimination);

(b) Where its application results in or is coupled with an act prohibited by any other provisions of law relating to unlawful discrimination against any person on account of color, race, religion, creed, ancestry or national origin;

(c) Where its application results in or is coupled with an act prohibited by Section 365 of the California Penal Code or any other provision of law relating to duties of innkeepers and common carriers;

(d) Where its application would result in an interference with or inhibition of peaceful labor picketing or other lawful labor activities;

(e) Where its application would result in an interference with or inhibition of any other exercise of a constitutionally protected right of freedom of speech such as, but not limited to, peaceful expressions of political or religious opinions, not involving conduct otherwise punishable criminally under such laws as Penal Code Section 647c (obstruction of a street, sidewalk, or other public area), or Penal Code Section 415 (disturbing the peace);

(f) Where the person who is upon another's private property or business premises is there under claim or color of legal right. This exception is applicable, but not limited to, the following types of situations involving disputes wherein the participants generally have civil remedies readily available to them: marital and post-marital disputes; child custody or visitation disputes; disputes regarding title to or rights in real property; landlord-tenant disputes; disputes between members of the same family or between persons residing upon the property concerned up until the time of the dispute; employer-employee disputes; business-type disputes such as those between partners; debtor-creditor disputes; and instances wherein the person claims rights to be present pursuant to order, decree or process of a court.

Adopted Ordinance 2076 (1976); Amended Ordinance 3096 (1987);